

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

2:08-CR-0059 JCM (GWF)

Plaintiff,

v.

JULIAN RICARDO CHACON,

Defendant.

ORDER

Presently before the court are defendant Julian Ricardo Chacon's ("Chacon") objections to the magistrate judge's report and recommendation (Doc. #38) denying Chacon's motion to suppress evidence (Doc. #24). Doc. #41.

Local Rule IB 3-2 states that any party wishing to object to the report and recommendation of a magistrate judge shall, within ten (10) days, file and serve specific written objections supported by points and authorities. This court then conducts a *de novo* determination of those portions of the report and recommendation objected to. Here, the magistrate judge recommends that Chacon's motion to suppress be denied because there was reasonable suspicion to stop the defendant after receiving a 911 call regarding a kidnaping and that there was probable cause to search the vehicle after the stop. Defendant Chacon objects to these findings. *See* Doc. #41.

Defendant Chacon argues that an anonymous 911 call alone cannot form the basis for the officers' reasonable suspicion in initiating a stop. However, the call was not anonymous. The caller identified himself, provided the phone number he was calling from, the make and model car he was driving, and other identifying information. The magistrate judge correctly noted that an identifiable

1 caller imparts a higher level of reasonable suspicion than an anonymous caller because of the risk
2 of legal sanction for making a false report. *See e.g. United States v. Terry-Crespo*, 356 F.3d 1170
3 (9th Cir. 2004). Therefore, there was a sufficient basis for the officers' reasonable suspicion of
4 defendant's criminal activity to initiate the stop.

5 Chacon's remaining objections derive from the magistrate judge's finding of reasonable
6 suspicion. This court has reviewed the record and, because this court agrees that there was reasonable
7 suspicion for the initial stop, finds that the magistrate judge correctly determined that Chacon's
8 Fourth Amendment rights were not violated during the stop and subsequent search of his vehicle.
9 Therefore,

10 IT IS ORDERED, ADJUDGED AND DECREED that the magistrate judge's report and
11 recommendation (Doc. #38) is **AFFIRMED** in their entirety.

12 IT IS FURTHER ORDERED that defendant's motion to suppress evidence (Doc. #24) is
13 **DENIED**.

14 DATED this 1st day of June, 2009.

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17 **UNITED STATES DISTRICT JUDGE**